IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5974 of 2007

LRS OF MAHESH CHANDRA
V/S
MOHAN LAL & ANR.

Mr. DILIP MULCHANDANI, for the appellant / petitioner

Date of Order : 20.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It is not in dispute that deceased defendant's right of written statement had already been closed way back in 2004. In such circumstances, simply because during pendency of the proceedings he died, and the petitioners were substituted as legal representatives, the proceedings so far taken cannot be set at naught, so as to entitle the petitioners to file a fresh written statement that is attempted. In such circumstances, I do not find any error in the impugned order.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/sushil/